

104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103-304 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “Not later than April 20 of each year, the Commission shall submit a report to the President and the Congress concerning its activities under this Act with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.”

1989—Pub. L. 101-30 substituted “with respect to the most recent observance of the Federal legal holiday honoring the birthday of Martin Luther King, Jr.” for period at end.

1986—Pub. L. 99-284 substituted “April 20 of each year” for “April 20, 1986”.

§ 169j-8. Continuation of existence of Martin Luther King, Jr. Federal Holiday Commission

The Commission shall continue in existence until September 30, 1999.

(Pub. L. 98-399, §9, Aug. 27, 1984, 98 Stat. 1475; Pub. L. 99-284, §1(c), May 1, 1986, 100 Stat. 406; Pub. L. 101-30, §2(a), May 17, 1989, 103 Stat. 60; Pub. L. 103-304, §2(6), Aug. 23, 1994, 108 Stat. 1566.)

AMENDMENTS

1994—Pub. L. 103-304 substituted “September 30, 1999” for “April 20, 1994”.

1989—Pub. L. 101-30 amended section generally, substituting “continue in existence until April 20, 1994” for “cease to exist after April 20, 1989”.

1986—Pub. L. 99-284 substituted “after April 20, 1989” for “after submitting its report under section 169j-7 of this title”.

REESTABLISHMENT AFTER TERMINATION

Section 2(c) of Pub. L. 101-30 provided that: “If the date of the enactment of this Act [May 17, 1989] occurs on or after April 20, 1989, the Martin Luther King, Jr. Federal Holiday Commission shall be reestablished on the date of the enactment of this Act with the same members and powers that the Commission had, as provided in Public Law 98-399 (98 Stat. 1473) [enacting sections 169j to 169j-8 of this title], on April 19, 1989 (subject to this Act and the amendments made by this Act [see Short Title of 1989 Amendment note set out under section 169j of this title]).”

§ 169j-9. Limitations on spending

None of the funds appropriated or donated to the Commission may be used for the purpose of purchasing first class air travel or first class hotel accommodations.

(Pub. L. 98-399, §10, as added Pub. L. 103-304, §2(7), Aug. 23, 1994, 108 Stat. 1566.)

§ 169j-10. Accounting procedures

The Commission shall follow a comprehensive basis of accounting, as defined by the Comptroller General in B-255473. The Commission shall establish an accounting system for review by the Comptroller General under section 3512 of title 31. The Comptroller General is authorized to review and audit the Commission, its programs, activities, operations, and financial transactions. The Comptroller General, and his

agents, shall have access to all records, files, documents, and papers of the Commission, as necessary, to accomplish such audits.

(Pub. L. 98-399, §11, as added Pub. L. 103-304, §2(8), Aug. 23, 1994, 108 Stat. 1566.)

§ 169k. Asian/Pacific American Heritage Month

(a) Designation

May of each year is designated as “Asian/Pacific American Heritage Month”.

(b) Federal proclamation

The President is authorized and requested to issue annually a proclamation calling on the people of the United States to observe the month designated in subsection (a) of this section with appropriate programs, ceremonies and activities.

(c) State proclamations

The chief executive officer of each State is requested to issue annually a proclamation calling on the people of the State to observe the month designated in subsection (a) of this section with appropriate programs, ceremonies and activities.

(d) “State” defined

For purposes of subsection (c) of this section, the term “State” means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau.

(Pub. L. 102-450, §2, Oct. 23, 1992, 106 Stat. 2251.)

CONGRESSIONAL FINDINGS

Section 1 of Pub. L. 102-450 provided that: “The Congress finds that—

“(1) on May 7, 1843, the first Japanese immigrants came to the United States;

“(2) on May 10, 1869, Golden Spike Day, the first transcontinental railroad in the United States was completed with significant contributions from Chinese pioneers;

“(3) in 1979, at Congress’ direction, the President proclaimed the week beginning on May 4, 1979, as Asian/Pacific American Heritage Week, providing an opportunity for the people of the United States to recognize the history, concerns, contributions, and achievements of Asian and Pacific Americans;

“(4) in 1990, 1991 and 1992, Congress designated and the President proclaimed the month of May as Asian/Pacific American Heritage Month;

“(5) nearly 8,000,000 people in the United States can trace their roots to Asia and the islands of the Pacific; and

“(6) Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States.”

§ 169l. National Pearl Harbor Remembrance Day

December 7 of each year is designated as “National Pearl Harbor Remembrance Day” and the President is authorized and requested—

(1) to issue annually a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities; and

(2) to urge all Federal agencies, and interested organizations, groups, and individuals,

to fly the flag of the United States at halfstaff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor.

(Pub. L. 103-308, Aug. 23, 1994, 108 Stat. 1669.)

RECITAL CLAUSES

Pub. L. 103-308 upon which this section is based contained several “Whereas” clauses reading as follows:

“Whereas, on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the armed forces of the United States stationed at Pearl Harbor, Hawaii;

“Whereas more than 2,000 citizens of the United States were killed and more than 1,000 citizens of the United States were wounded in the attack on Pearl Harbor;

“Whereas the attack on Pearl Harbor marked the entry of the United States into World War II;

“Whereas the veterans of World War II and all other people of the United States commemorate December 7 in remembrance of the attack on Pearl Harbor; and

“Whereas commemoration of the attack on Pearl Harbor will instill in all people of the United States a greater understanding and appreciation of the selfless sacrifice of the individuals who served in the armed forces of the United States during World War II * * *.”

§ 169m. National Korean War Veterans Armistice Day

July 27 of each year until the year 2003 is designated as “National Korean War Veterans Armistice Day”, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities, and to urge the departments and agencies of the United States and interested organizations, groups, and individuals to fly the American flag at half staff on July 27 of each year until the year 2003 in honor of the Americans who died as a result of their service in Korea.

(Pub. L. 104-19, title II, §2005, July 27, 1995, 109 Stat. 247.)

CHAPTER 10—PATRIOTIC CUSTOMS

- Sec.
- 170. National anthem; Star-Spangled Banner.
- 171. Conduct during playing.
- 172. Pledge of allegiance to the flag; manner of delivery.
- 173. Display and use of flag by civilians; codification of rules and customs; definition.
- 174. Time and occasions for display.
 - (a) Display on buildings and stationary flagstuffs in open; night display.
 - (b) Manner of hoisting.
 - (c) Inclement weather.
 - (d) Particular days of display.
 - (e) Display on or near administration building of public institutions.
 - (f) Display in or near polling places.
 - (g) Display in or near schoolhouses.
- 175. Position and manner of display.
- 176. Respect for flag.
- 177. Conduct during hoisting, lowering or passing of flag.
- 178. Modification of rules and customs by President.
- 179. Design for service flag; persons entitled to display flag.
- 180. Design for service lapel button; persons entitled to wear button.
- 181. Approval of designs by Secretary of Defense; license to manufacture and sell; penalties.
- 182. Rules and regulations.

Sec.

182a to 184. Repealed.

185. Transferred.

186. National motto.

187. National floral emblem.

188. National march.

189. Recognition of National League of Families POW/MIA flag.

189a. Display of POW/MIA flag.

(a) Required display.

(b) Days for flag display.

(c) Locations for flag display.

(d) Coordination with other display requirement.

(e) Display to be in a manner visible to public.

(f) Limitation.

(g) “POW/MIA flag” defined.

(h) Regulations for implementation.

(i) Procurement and distribution of flags.

§ 170. National anthem; Star-Spangled Banner

The composition consisting of the words and music known as The Star-Spangled Banner is designated the national anthem of the United States of America.

(Mar. 3, 1931, ch. 436, 46 Stat. 1508.)

CODIFICATION

Section was formerly classified to section 144 of this title.

§ 171. Conduct during playing

During rendition of the national anthem when the flag is displayed, all present except those in uniform should stand at attention facing the flag with the right hand over the heart. Men not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note. When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

(June 22, 1942, ch. 435, §6, 56 Stat. 380; Dec. 22, 1942, ch. 806, §6, 56 Stat. 1077; July 7, 1976, Pub. L. 94-344, §1(18), 90 Stat. 812.)

AMENDMENTS

1976—Pub. L. 94-344 inserted requirement that during the rendition of the national anthem when the flag is displayed, all persons present except those in uniform should stand at attention, face the flag, and place the right hand over the heart and men with headdress should remove the headdress and hold it at the left shoulder, the hand being over the heart and when the flag is not displayed, those present should face the music and act in the same manner they would if the flag were displayed.

1942—Act Dec. 22, 1942, substituted “all present should face the flag and salute” for “the salute to the flag should be given” in last sentence.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178 of this title.

§ 172. Pledge of allegiance to the flag; manner of delivery

The Pledge of Allegiance to the Flag, “I pledge allegiance to the Flag of the United States of